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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/595,098

02/13/2006

Toshikazu Makino

2006-0152A

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08/18/2008

WENDEROTH, LIND & PONACK, L.L.P.

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SUITE 800

WASHINGTON, DC 20006-1021

EXAMINER

FULTON, KRISTINA ROSE

ART UNIT

PAPER NUMBER

3673

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/595,098	<b>Applicant(s)</b> MAKINO, TOSHIKAZU	
	<b>Examiner</b> KRISTINA FULTON	<b>Art Unit</b> 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/13/06</u>   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 9-10 require "an axial direction". No axis is previously defined and therefore "an axial direction" is unclear. The "axial direction" should be defined as the axial direction of the cylinder, or the insertion holes, of the sleeve, etc.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

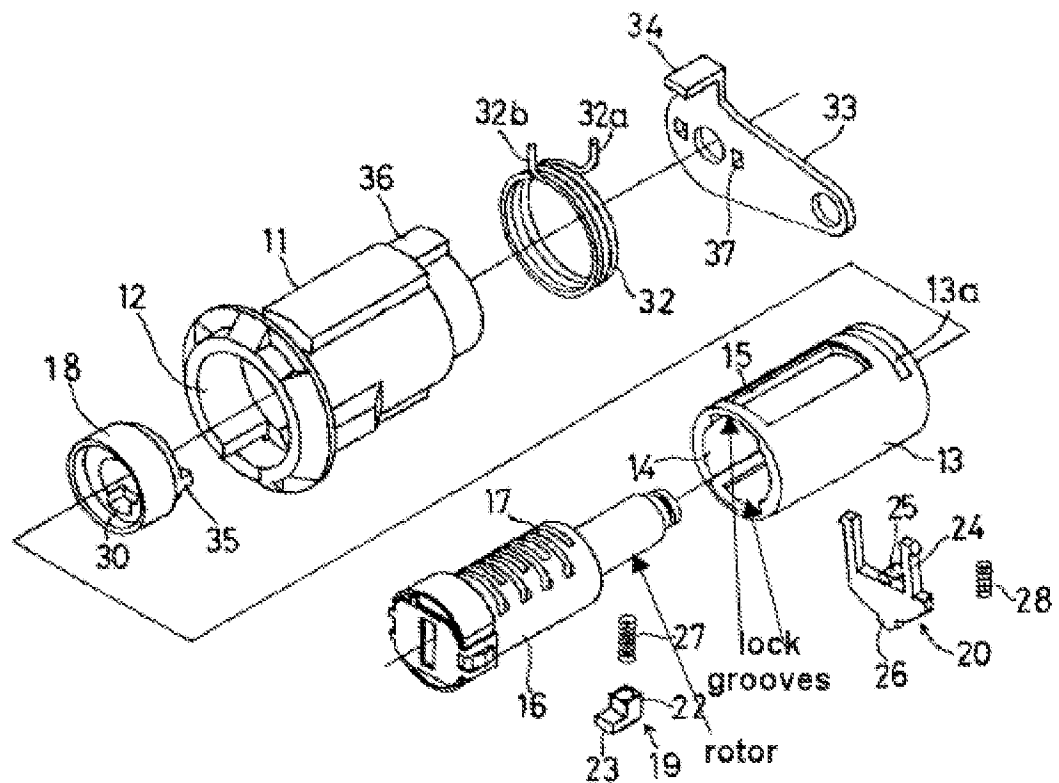
1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Art Unit: 3673

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keiichi (JP 3380611; submitted by applicant) in view of Katagiri (US 20020073754).

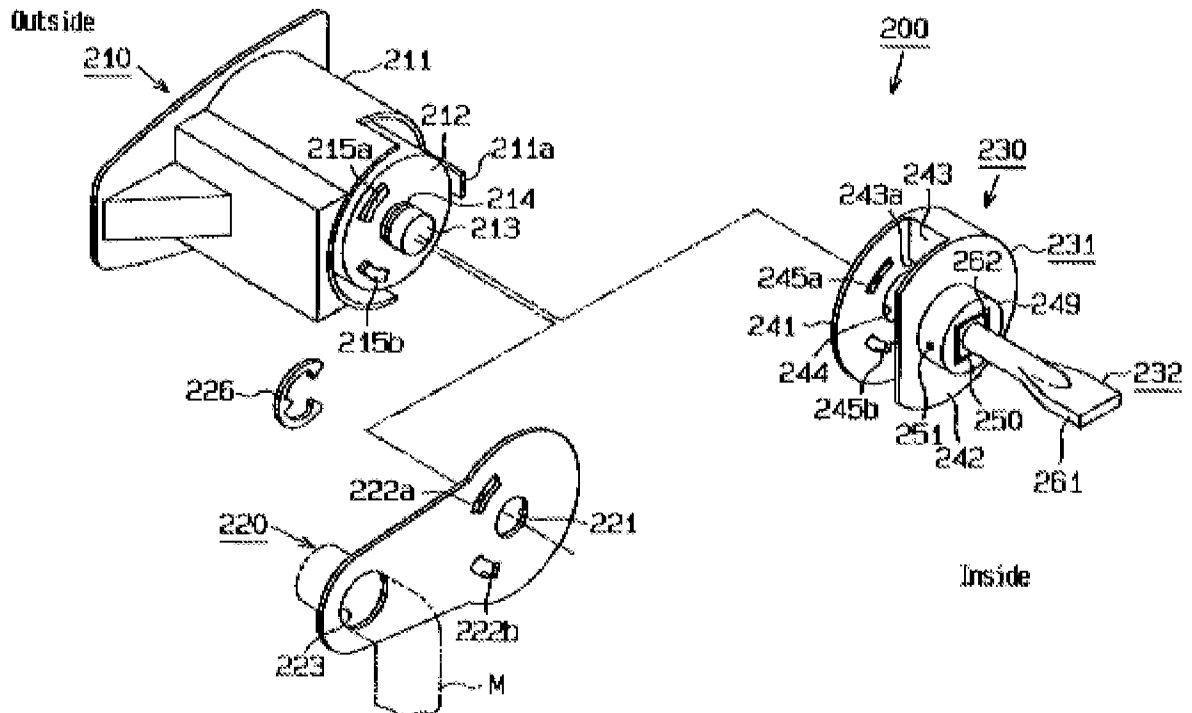
Regarding claim 1, Keiichi shows a cylinder lock comprising a cylindrical sleeve(13) which is turnably placed in a holder (11) and in which lock grooves (see illustration below) are formed on an inner circumferential surface; a cylindrical cylinder (16) which is turnably placed in the sleeve and on which a plurality of tumbler insertion holes (17) extending in a direction orthogonal to an axial direction are formed; a plurality of tumblers (not shown but are inherent since they tumbler holes are shown) which are reciprocally placed in the tumbler insertion holes of the cylinder, which are engaged with the lock grooves in an advanced position, and which are retracted and disengaged from the lock grooves with insertion of an authorized key (see abstract); a rear rotor (see illustration below) of which an at least part is turnably placed in the cylinder (when the cylinder turns the rotor turns); a connecting member (19) which is placed in the movable in radial directions between a connected position in which the rear rotor and the cylinder are connected to each other and a non-connected position; and a connection releasing member (20) which is provided so as to be positioned on an outer circumference of the connecting member and so as to be movable in radial directions relative to the sleeve and which travels radially and presses and moves the connecting member to the non-connected position when the sleeve that receives a turning force of the cylinder by virtue of engagement of the tumblers with the lock grooves turns relative to the holder. See the Keiichi device below.

Art Unit: 3673



Although Keiichi shows applicant's inventive concept, Keiichi fails to include a rotor having a container portion. Katagiri shows that this is well known in the cylinder lock art. Katagiri shows a rear rotor (200) turnably placed in a cylinder (210) having a container portion (230) formed in the part placed in the cylinder. See the Katagiri device below.

**Fig. 11**



Regarding claim 2, Keiichi in view of Katagiri, Keiichi shows a biasing member (27) for biasing the connecting member toward the connected position is provided in the container portion of the rear rotor and wherein the connection releasing member is pressed through the connecting member by a biasing force of the biasing member and is fitted in a lock recess (30) formed on an inner circumferential surface of the holder in a state prior to an unlocking operation with use of an authorized key.

Regarding claim 3, Keiichi in view of Katagiri, Katagiri shows the container portion of the rear rotor is extended to a position in which the container portion is exposed from the cylinder to outside, wherein a locking-portion through hole (245)

Art Unit: 3673

is provided in the exposed part of the container portion, and wherein a locking portion (215) that protrudes from the locking-portion through hole and locks a locked portion of the holder opposed thereto with the movement of the connecting member to the non-connected position by the connection releasing member is provided on the connecting member.

Regarding claims 1 and 3, it would have been obvious to try to the combination of Keiichi and Katagiri since replacing one rotor with a different rotor is considered to be within the level of ordinary skill in the art. There would be a reasonable expectation of success since replacing one component with a similar component is well known. Modifying the Keiichi device to have a separate rotor as taught by Katagiri would be advantageous since a consumer could replace the cylinder without replacing the rotor.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTINA FULTON whose telephone number is (571)272-7376. The examiner can normally be reached on M-TH 7-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3673

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patricia L Engle/  
Supervisory Patent Examiner, Art Unit 3673

/K. F./  
Examiner, Art Unit 3673  
8/13/08